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09/750,858	12/29/2000	Joseph M. Geigel	80677DMW	8939

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EXAMINER
TRAN, MYLINH T

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/750,858	GEIGEL ET AL.
	Examiner	Art Unit	
	Mylinh Tran	2179	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15 and 17-32* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 17-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Applicant's Amendment filed 04/17/06 has been entered and carefully

considered. Claims 1 and 27 have been amended. However, the limitation of

the amended claims have not been found to be patentable over prior art of

record, therefore, claims 1-15, 17-32 remain rejected under the same ground of

rejection as set forth in the Office Action mailed 01/12/06.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set

forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject

matter of the various claims was commonly owned at the time any inventions

covered therein were made absent any evidence to the contrary. Applicant is

advised of the obligation under 37 CFR 1.56 to point out the inventor and

invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35

U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35

U.S.C. 103(a).

Claims 1-9 and 12-15, 17-32 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Koba [US. 6,222,947] in view of Guttman et al. [US.

6,366,918].

As per independent claim 1, Koba teaches a digital image album layout system

comprising:

a page creator module operable to receive a set of images and user preferences

and to generate album preference criteria using said user preferences, said page

creator module having a first program algorithm operable to execute calculations

on a first population of image criteria, said page creator module having a page

evaluation module operable to test said first population for fitness to said album

preference criteria, said page creator module being operable to distribute said

images to a plurality of album pages responsive to said testing for fitness to said

album preference criteria (col. 6, lines 43-59) and

an image placement module operable to receive the set of images and user

preferences and to generate page preference criteria using said user

preferences, said page image placement module having a second program

algorithm operable to execute calculations on a second population of page layout

criteria, said image placement module having a layout evaluation module

operable to test said second population for fitness to said page preference

criteria, said image placement module being operable to distribute said images

on respective said album pages responsive to said testing for fitness to said
preference criteria (col. 7, lines 37-41).

Koba does not disclose the first program algorithm and the second program
algorithm to implement genetic programming technique to generate album
preference important values indicating a weighting of corresponding user
preferences relative to each other. Guttman teaches a genetic algorithm
approach to produce the optimized publication layouts by generating and
evaluating a large number of possible layouts and selects the optimum layout
(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over
functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at
the time of the invention to use the teaching from Guttman of applying genetic
programming in Koba's system since the uses of a genetic algorithm approach
would have generated and evaluated, in a timely manner, a large number of
possible page layouts and selected optimum layout.

Wherein the page creator module and the image placement module operate
separately (column 6, lines 42-53 and column 7, lines 6-42); and wherein said
evolving of said first genetic population, said generating of said album fitness
function (column 6, lines 42-53), and said testing according to said album fitness
(column 7, lines 6-42) function are separate from said evolving of said second
genetic population, said generating of said page fitness function, and said testing
with said page fitness function.

As per independent claim 2, Koba teaches an automated album layout method

responsive to a set of inputs containing digital images, graphics, and other

2-dimensional objects, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences

indicating parameter values including at least one of balance, emphasis,

chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

generating a fitness function based upon said user album preferences (e.g., col.

6, lines 43-59);

evaluating a grouping of the image objects for distribution into a number of album

pages using a genetic algorithm, according to said fitness function (col. 6, lines

43-59);

assigning each image object to a page based on user preferences, including

balance (col. 6, line 52 – col. 7, line 13);

displaying said page for user viewing, and refining the distribution based on said

evaluating (S210 of fig. 4 and fig. 5C and 5G).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at the time of the invention to use the teaching from Guttman of applying genetic programming in Koba's system since the uses of a genetic algorithm approach would have generated and evaluated, in a timely manner, a large number of possible page layouts and selected optimum layout.

As per independent claim 3, Koba teaches an automated layout and presentation method responsive to a set of inputs containing digital images, graphics, and other two-dimensional objects, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences indicating parameter values including at least one of balance, emphasis, chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

generating a fitness function based upon said user album preferences (e.g., col. 6, lines 43-59);

evaluating the `x' and `y' position coordinates, scale, and rotation of each of the input images objects within a page using a genetic algorithm, according to said a fitness function (col. 7, lines 37-41);

creating a page layout based on said evaluating (col. 7, lines 37-41);

displaying said page layout for user viewing; refining said page layout based on further user action (S210 of fig. 4 and fig. 5C and 5G), and formatting the page layout printing (col. 8, lines 12-14).

Koba does not disclose the first program algorithm and the second program algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user preferences relative to each other. Guttman teaches a genetic algorithm approach to produce the optimized publication layouts by generating and evaluating a large number of possible layouts and selects the optimum layout (col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at the time of the invention to use the teaching from Guttman of applying genetic programming in Koba's system since the uses of a genetic algorithm approach would have generated and evaluated, in a timely manner, a large number of possible page layouts and selected optimum layout.

As per independent claims 4, 5, and 6, they are rejected under the same rationale as claim 1.

As per independent claim 7, it is rejected under the same rationale as claim 4.

As per independent claim 8, Koba teaches a method of assigning a plurality of images, having image parameters, to one or more pages in an album, comprising the steps of:

receive a set of images and user preferences and to generate album preference criteria using said user preferences (e.g., col. 6, lines 43-59);

specifying an initial set of page assignments defining the album page assignment for each of the plurality of images; initializing a population by assigning said initial set of page assignments to genes within an album genome structure (col. 6, lines 43-45); evolving said population in accordance with a program algorithm to

produce a present set of page assignments within said album genome structure

(col. 6, lines 45-54);

calculating a present set of page criteria according to said present set of page

assignments, the image parameters, and a set of album page parameters;

generating a fitness function based upon said user album preferences (e.g., col.

6, lines 43-59); testing said present set of page criteria according to an album

fitness function to determine an album score; repeating said evolving and

calculating steps if said album score fails to meet an album threshold value, and

outputting image page assignments according to said present page assignment if

said album score meets said album threshold value (col. 6, line 55 – col. 7, line

19).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at

the time of the invention to use the teaching from Guttman of applying genetic

programming in Koba's system since the uses of a genetic algorithm approach

would have generated and evaluated, in a timely manner, a large number of possible page layouts and selected optimum layout.

As per claim 9, Koba teaches the image parameters include an image event value, image chronology value, and image emphasis value (col. 6, lines 7-42).

As per independent claim 12, Koba teaches a method of assigning a plurality of images, having image parameters, to one or more pages in an album, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences indicating parameter values including at least one of balance, emphasis, chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

specifying an initial set of page assignments defining the album page assignment for each of the plurality of images; initializing a population by assigning said initial set of page assignments to genes within an album genome structure (col. 6, lines 43-45); evolving said population in accordance with a program algorithm to produce a present set of page assignments within said album genome structure (col. 6, lines 45-54);

calculating a present set of page criteria according to said present set of page assignments, the image parameters, and a set of album page parameters; generating a fitness function based upon said user album preferences (e.g., col. 6, lines 43-59); testing said present set of page criteria according to an album fitness function to determine an album score; repeating said evolving and calculating steps if said album score fails to meet an album threshold value, and

outputting image page assignments according to said present page assignment if said album score meets said album threshold value (col. 6, line 55 – col. 7, line 19);

Koba does not disclose the first program algorithm and the second program algorithm to implement genetic programming technique to generate album preference important values indicating a weighting of corresponding user preferences relative to each other. Guttman teaches a genetic algorithm approach to produce the optimized publication layouts by generating and evaluating a large number of possible layouts and selects the optimum layout (col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at the time of the invention to use the teaching from Guttman of applying genetic programming in Koba's system since the uses of a genetic algorithm approach would have generated and evaluated, in a timely manner, a large number of possible page layouts and selected optimum layout.

As per claim 13, Koba teaches calculation of said page criteria includes calculation of an emphasis value range, a page count value, and a balance threshold value (col. 6, line 55 – col. 7, line 19).

As per independent claim 14, Koba teaches a method of assigning a plurality of images, having image parameters, to one or more pages in an album, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences

indicating parameter values including at least one of balance, emphasis,

chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

specifying an initial set of page assignments defining the album page assignment

for each of the plurality of images; initializing a population by assigning said initial

set of page assignments to genes within an album genome structure (col. 6, lines

43-45); evolving said population in accordance with a program algorithm to

produce a present set of page assignments within said album genome structure

(col. 6, lines 45-54);

calculating a present set of page criteria according to said present set of page

assignments, the image parameters, and a set of album page parameters;

generating a fitness function based upon said user album preferences (e.g., col.

6, lines 43-59); testing said present set of page criteria according to an album

fitness function to determine an album score; repeating said evolving and

calculating steps if said album score fails to meet an album threshold value, and

outputting image page assignments according to said present page assignment if

said album score meets said album threshold value (col. 6, line 55 – col. 7, line

19);

wherein said testing step further comprises the steps of: comparing said page

criteria to preference criteria and generating a preliminary album score and

scaling said preliminary album score in accordance with album importance

parameters to produce a final album score (col. 6, line 55 – col. 7, line 19).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at

the time of the invention to use the teaching from Guttman of applying genetic

programming in Koba's system since the uses of a genetic algorithm approach

would have generated and evaluated, in a timely manner, a large number of

possible page layouts and selected optimum layout.

As per claim 15, Koba teaches the page criteria include balance, emphasis,

chronology, and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

As per independent claim 17, it is rejected under the same rationale as claim 1.

As per independent claim 18, Koba teaches a method of arranging one, or more

images, having image parameters, on an album page, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences

indicating parameter values including at least one of balance, emphasis,

chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

specifying an initial set of positioning parameters for each of the one or more

images; initializing a population by assigning said initial set of positioning

parameters as genes in a page genome structure; evolving said population in

accordance with a program algorithm to produce a present set of positioning

parameters within said page genome structure (col. 7, lines 20-36);

calculating a set of present layout criteria, according to said present set of

positioning parameters, the image parameters, and a set of page layout

parameters; generating a fitness function based upon said user album

preferences (e.g., col. 6, lines 43-59); testing said present set of layout criteria

according to a page fitness function to determine a page score; repeating said

evolving and calculating steps if said page score fails to meet a page threshold

value (col. 7, lines 37-47); and

outputting a page layout according to said present set of positioning parameters

if said page score meets said page threshold value (col. 8, lines 1-14).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at

the time of the invention to use the teaching from Guttman of applying genetic

programming in Koba's system since the uses of a genetic algorithm approach

would have generated and evaluated, in a timely manner, a large number of

possible page layouts and selected optimum layout.

As per claim 19, Koba teaches the image parameters include an image emphasis

value (col. 7, lines 20-36).

As per claim 20, Koba teaches the genome structure is an array (the layouts of

pictures as in fig. 5F, for example, are arrays).

As per claim 21, this claim is rejected under the same rationale as claim 20.

As per independent claim 22, Koba teaches a method of arranging one, or more

images, having image parameters, on an album page, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences

indicating parameter values including at least one of balance, emphasis,

chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19).

specifying an initial set of positioning parameters for each of the one or more

images; initializing a population by assigning said initial set of positioning

parameters as genes in a page genome structure; evolving said population in

accordance with a program algorithm to produce a present set of positioning

parameters within said page genome structure (col. 7, lines 20-36);

calculating a set of present layout criteria, according to said present set of

positioning parameters, the image parameters, and a set of page layout

parameters; generating a fitness function based upon said user album

preferences (e.g., col. 6, lines 43-59); testing said present set of layout criteria

according to a page fitness function to determine a page score; repeating said

evolving and calculating steps if said page score fails to meet a page threshold

value (col. 7, lines 37-47); and

outputting a page layout according to said present set of positioning parameters

if said page score meets said page threshold value (col. 8, lines 1-14).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at

the time of the invention to use the teaching from Guttman of applying genetic

programming in Koba's system since the uses of a genetic algorithm approach

would have generated and evaluated, in a timely manner, a large number of

possible page layouts and selected optimum layout.

As per claim 23, Koba teaches the layout criteria includes calculation of image

rotation (col. 6, lines 8-20 and col. 7, lines 37-41).

As per independent claim 24, Koba teaches a method of arranging one, or more

images, having image parameters, on an album page, comprising the steps of:

receiving pluralities of user album preferences, said user album preferences

indicating parameter values including at least one of balance, emphasis,

chronology and unity (col. 6, lines 7-42 and col. 6, line 55 – col. 7, line 19);

specifying an initial set of positioning parameters for each of the one or more

images; initializing a population by assigning said initial set of positioning

parameters as genes in a page genome structure; evolving said population in

accordance with a program algorithm to produce a present set of positioning

parameters within said page genome structure (col. 7, lines 20-36);

calculating a set of present layout criteria, according to said present set of

positioning parameters, the image parameters, and a set of page layout

parameters; generating a fitness function based upon said user album

preferences (e.g., col. 6, lines 43-59); testing said present set of layout criteria

according to a page fitness function to determine a page score; repeating said

evolving and calculating steps if said page score fails to meet a page threshold

value (col. 7, lines 37-47); and

outputting a page layout according to said present set of positioning parameters

if said page score meets said page threshold value (col. 8, lines 1-14).

wherein said testing step further comprises the steps of: comparing said layout

criteria to layout preference criteria and generating a preliminary page score and

scaling said preliminary page score in accordance with page importance

parameters to produce a final page score (col. 8, lines 1-14).

Koba does not disclose the first program algorithm and the second program

algorithm to implement genetic programming technique to generate album

preference important values indicating a weighting of corresponding user

preferences relative to each other. Guttman teaches a genetic algorithm

approach to produce the optimized publication layouts by generating and

evaluating a large number of possible layouts and selects the optimum layout

(col. 3, lines 1-9) using mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47). It would have been obvious to an artisan at

the time of the invention to use the teaching from Guttman of applying genetic

programming in Koba's system since the uses of a genetic algorithm approach

would have generated and evaluated, in a timely manner, a large number of

possible page layouts and selected optimum layout.

As per claim 25, Koba teaches the page criteria include white space range (col.

6, lines 8-20 and col. 7, lines 37-41).

As per claim 26, Koba teaches the layout preference criteria are based upon user

preferences (col. 3, lines 56-61).

As per independent claim 27, it is rejected under the same rationale as claim 1.

As per claim 28, Koba teaches repeating said evolving and testing steps if said

album score fails to meet said album threshold value (col. 6, line 55 – col. 7, line

19).

As per claim 29, since Koba's program algorithm implements Guttman's genetic

programming technique (Guttman, col. 3, lines 1-9), it is inherent in genetic

programming to have the genetic evolution calculations performed by at least

one of the first and second genetic engines include the application of a genetic

mutation function.

As per claim 30, since Koba's program algorithm implements Guttman's genetic

programming technique (Guttman, col. 3, lines 1-9), it is inherent in genetic

programming to have the genetic evolution calculations performed by at least

one of the first and second genetic engines include the application of a genetic

crossover function.

As per claim 31, since Koba's program algorithm implements Guttman's genetic

programming technique (Guttman, col. 3, lines 1-9), it is inherent in genetic

programming to have the step of evolving said genetic population includes the

application of a genetic mutation function.

As per claim 32, since Koba's program algorithm implements Guttman's genetic

programming technique (Guttman, col. 3, lines 1-9), it is inherent in genetic

programming to have the step of evolving said genetic population includes the

application of a genetic crossover function.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Koba in view of Guttman and further in view of Wang (US 6,014,458).

As per claim 10, Koba in view of Guttman does not disclose the genome

structure is a tree structure. Wang discloses hierarchical tree structure for

arranging images in document pages in and fig. 8, lines 27-45. It would have

been obvious to an artisan at the time of the invention to use the teaching from

Wang of the genome structure is a tree structure in modified Koba's system since

it would allow a user to easily arrange and organize images in pages.

As per claim 11, it is rejected under the same rationale as claim 10.

Response to Arguments

Applicant argues the claimed invention requires both a page creator module and

an image placement module. However, the image/page are similarly described in

the original specification. Both image and page do the same functionalities in the

album layout. Koba teaches image layout at column 6, lines 43-59 and page

layout at column 7, lines 37-41.

Both Koba and Guttman teach the method of laying out publication and

page/image. So, both have same field of invention in order to combine two

references.

Applicant argued that in Koba, the user inputs the degree of importance of each

image along with preferences for various page assignment and layout criteria.

This is unlike the claimed invention, in which importance values are not

associated with individual images, but rather indicate a weighting of

corresponding user preferences relative to each other.

Koba does not teach importance values indicating a weighting of corresponding

user preferences relative to each other; However, as a combination between

Koba and Guttman, Koba's system would have implemented Guttman's genetic

algorithm technique of mutation (e.g., col. 7, lines 47-59) and cross-over

functions (e.g., col. 8, lines 42-47) to evaluate importance values indicating a weighting of corresponding user preferences relative to each other. By doing this, Koba's system would have been improved the evaluating importance-values process by using Guttman's efficient genetic algorithm, instead of importance values are associated with individual images.

Applicant argued the importance values indicating a weighting of a corresponding one of said user page preferences relative to the other said user page preference is not shown in the references. However, Guttman teaches the feature at column 3, lines 1-46. Applicant's attention is directed to the cited column 3, "the invention generates and evaluates a large number of possible layouts and selects the optimum layout".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

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